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# Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of Discrimination against Women**
**Sixty-sixth session**

**Summary record of the 1485th meeting**
Held at the Palais des Nations, Geneva, on Wednesday, 22 February 2017, at 3 p.m.

*Chair*: Ms. Leinarte

## Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

*Eighth periodic report of Sri Lanka* (continued)

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** (*continued*)

*Eighth periodic report of Sri Lanka* (continued) (CEDAW/C/LKA/8; CEDAW/C/LKA/Q/8 and Add.1)

1. *At the invitation of the Chair, the delegation of Sri Lanka took places at the Committee table.*

*Articles 7 to 9* (continued)

2. **Ms. Senarathne** (Sri Lanka) said that, as the delegation had previously acknowledged, the percentage of women in legislative bodies left much to be desired. However, the Government was making a concerted effort to rectify that anomaly. The current electoral system, which was based on preferential voting, discouraged women from standing for election, as it obliged potential candidates to mobilize significant levels of financial and human resources in order to expand their electoral base.

3. The temporary special measures taken included the establishment of a 25-per-cent quota for women candidates at the local government level. Furthermore, the Government was undertaking extensive consultations on electoral reform and a campaign had been launched by the Ministry of Women and Child Affairs to raise women's awareness of the importance of participating in the political process at all levels. A women's caucus in Parliament played an advocacy role by encouraging women to participate in politics. In joining the Open Government Partnership in 2015, the Government had undertaken to increase women's participation in politics.

4. **Ms. Manatunga** (Sri Lanka) said that a number of temporary special measures were envisaged under the National Human Rights Action Plan, including the introduction of quotas for women candidates, the conduct of special training programmes to enhance the skills of potential women candidates and the development of guidelines on the nomination and appointment of women to Parliament, provincial councils and local government.

5. **Ms. Gunasekera** (Sri Lanka) said that Sri Lanka had 15 women ambassadors and 22 women deputy heads of mission serving abroad. Following the recent introduction of a merit-based examination for recruitment to the Foreign Service, more women than men were now employed as Foreign Service officers. In the judiciary, there were 6 women justices serving in the superior courts, 10 in the high courts and 76 in the district and magistrate's courts.

6. **Ms. Song** said that it was still not clear how the State party intended to address the challenges posed to women by the proportional representation system.

7. **Ms. Patten** said that she wished to know whether, in the ongoing discussions on electoral reform, the State party had considered adopting temporary special measures that would facilitate the electoral participation of parties representing minority groups and reserve a certain number of parliamentary seats for such parties.

8. **Ms. Gunasekera** (Sri Lanka) said that the delegation had responded to the question asked by Ms. Song concerning the challenges posed by the electoral system.

9. **Ms. Jayasuriya** (Sri Lanka) said that one of the main aims of the proposals to transition from a preferential voting system to a first-past-the-post system was to improve the electoral prospects of rural women who were politically active in their communities. The question of establishing quotas for members of minority groups had also been addressed in the discussions on electoral reform. Plans were in place to establish a quota of 25 per cent at the grass-roots level, while discussions concerning the size and nature of the quotas to be established at the provincial and national levels were still ongoing.

*Articles 10 to 14*

10. **Ms. Gbedemah** said that, while she commended the State party on its achievements in the field of education, including its compulsory education initiative and very high

literacy and enrolment rates, she wished to know whether the State party would consider using temporary special measures to strengthen its efforts to achieve universal provision of quality education for girls in each ethnic group at each level of the education system, in accordance with the recommendation made by the Committee in its concluding observations on the combined fifth to seventh periodic reports (CEDAW/C/LKA/CO/7, para. 33). She also wished to know how regional disparities in the provision of education would be addressed and what strategies were in place to ensure the provision of quality education.

11. Noting that the Committee on the Rights of the Child had recommended that human rights and peace education should be included in the curriculum (CRC/C/LKA/CO/3-4, para. 63 (h)), she requested information on the implementation, impact and coverage of such programmes and on whether they empowered girls in conflict-affected areas to counteract harassment, abuse and violence. She asked whether the military occupation of schools had ceased; whether cadet corps training involved the use of firearms; what programmes were in place to use education as a means of providing reparation and achieving reconciliation; and how such programmes were being implemented, monitored and evaluated.

12. Recalling that the Committee had recommended that the State party should overcome gender role stereotyping in formal education and elaborate a policy aimed at promoting girls' access to vocational and technical education and women's access to higher education in science (CEDAW/C/LKA/CO/7, paras. 33 (b) and (c)), she asked whether the Government would consider implementing temporary special measures to address the fact that relatively few women opted to study engineering and information technology. She also asked whether a midterm assessment of the impact of the Asian Development Bank Education Sector Development Programme (2013-2018) had been carried out. The State party should abandon gender stereotypes in education and expand gender-sensitive educational programmes.

13. Noting that, in the area of vocational training, women tended to opt for subjects that led to careers traditionally associated with women, she asked how many vocational schools had been established in conflict-affected areas and what steps were being taken to train and recruit more teachers in subjects not traditionally studied by women. Given that pregnancy was the leading factor that prompted girls to drop out of school, she asked for further information on sexual and reproductive education in the State party. Lastly, she requested information on the barriers impeding the access of children with disabilities to formal education and the steps being taken to overcome those barriers.

14. **Ms. Hayashi** said that, while she commended the State party on the progress it had made in providing equal access to education and raising the literacy rate, she was concerned to note that the percentage of women participating in the labour market remained low, that the unemployment rate for women was almost twice the rate for men and that significant gender pay gaps existed in the private and informal sectors. She asked what measures were being taken to identify and address the obstacles that prevented women from entering the labour market and to facilitate women's entry into male-dominated fields of employment.

15. Noting that the version of the National Human Rights Action Plan adopted by the Cabinet had not yet been disclosed to civil society, she asked when the Plan would be disclosed and what measures it contained to ensure that female former combatants could be reintegrated into society. Did the Government facilitate the access of female former combatants to employment and vocational training?

16. She wondered whether the State party would consider abolishing the regulations that required women to submit a family background report and obtain their husband's consent if they wished to migrate to look for work. She asked whether any alternative protection mechanisms had been established to enable women to migrate and reintegrate into society on their return to the State party; whether the 2005 policy against sexual harassment in the workplace was still in force or had been incorporated into the National Action Plan on Gender-based Violence; and how many perpetrators of sexual harassment had been disciplined or dismissed in accordance with the 2005 policy. Noting that the State party planned to establish gender focal points in all government ministries, she asked what steps

were being taken to prevent sexual harassment in the private sector and which body would be responsible for organizing regular training and awareness-raising activities in that area.

17. **Ms. Arocha Domínguez** said that she would like the State party to provide information on programmes for women whose health and emotional well-being had suffered as a result of the conflict and on programmes to enable female former combatants to become reintegrated into economic and political life without being subjected to stigmatization or prejudice.

18. The State party's positive health indicators were commendable, but it was not clear whether the entire population benefited from low maternal mortality rates and widespread availability of contraception, as disaggregated data on those matters had not been provided. While the State party had established various programmes and offices specializing in sexual and reproductive health, she wondered whether programmes that addressed other aspects of sexuality were being implemented to meet the needs of women who did not wish to have children, lesbian women, prostitutes, women living with HIV/AIDS and other groups. Could the needs of such groups be addressed in a manner that was free from stigmatization and prejudice?

19. Noting that few statistics had been provided on the number of persons living with HIV/AIDS and the main ways in which the virus was transmitted, she wondered whether HIV/AIDS cases were underreported. She asked whether an HIV prevention and early detection programme had been established. Lastly, regarding the information on abortion provided in the State party's replies to the list of issues (CEDAW/C/LKA/Q/8/Add.1, paras. 26 and 27), she asked whether abortion would be made legally available to victims of rape, statutory rape or incest, which body would be responsible for adopting those measures and whether a plan was in place for duly communicating those changes to health workers across the country.

20. **Ms. Senarathne** (Sri Lanka) said that Sri Lanka had achieved gender parity in enrolment at all levels of the education system. The Government continued to ensure equal access by providing free education from the primary to the undergraduate level. Education was now compulsory for all children up to the age of 16, and free textbooks and uniforms and subsidized school transport were provided. Although more women than men enrolled in universities and non-vocational tertiary education establishments, women were underrepresented in certain subjects, such as engineering and information technology, and their access to certain well-remunerated jobs was hindered as a result. To tackle that problem, the Government planned to introduce vocational training for women in non-traditional fields, to address gender stereotyping through gender mainstreaming and to integrate gender into school curricula from the primary to the tertiary levels. Moreover, the Gender Action Plan developed by the Asian Development Bank was aimed at increasing women's participation in new technology streams and developing gender-sensitive training modules for teachers.

21. **Ms. Gunasekera** (Sri Lanka) said that the family background report was intended to ensure that children whose mothers left the country to look for work were duly protected. In that regard, the Ministry of Foreign Employment had employed over 1,000 development officers to visit families, put them in contact with counselling and other services and ensure that children would receive adequate care. In line with its obligations under the Convention, the Government of Sri Lanka sought to ensure that childcare duties were shared equally between men and women. Although significant progress had been made towards that goal, further change needed to take place.

22. **Ms. Jayasuriya** (Sri Lanka) said that there was a high level of awareness of HIV/AIDS in the country, and confidential counselling programmes were available for persons living with HIV/AIDS. Statistics would be provided in writing.

23. **Ms. Jinasena** (Sri Lanka) said that the committee appointed by the Ministry of Justice had concluded its deliberations on the decriminalization of abortion in 2016 and had recommended that sections 303 to 306 of the Penal Code should be amended to permit the termination of pregnancy in three cases: if the pregnancy was the result of rape or incest, if the pregnant woman was under the age of 16 years, or if the fetus was seriously impaired. The Ministry was currently taking steps to raise awareness and initiate a dialogue with the

relevant stakeholders, including religious leaders, to facilitate the adoption of the proposed amendments.

24. **Ms. Gunasekera** (Sri Lanka) said that, in collaboration with the German Agency for International Cooperation (GIZ), a vocational training centre had been established in Killinochchi to meet the needs of the Northern Province. The qualifications awarded would be equivalent to those provided by the Ceylon-German Technical Training Institute in Colombo.

25. **Ms. Arocha Domínguez** said that she would be interested to know more about HIV/AIDS awareness-raising campaigns, particularly in the light of the concerns expressed by the Committee on the Rights of the Child to the effect that factors such as tourism and an increase in commercial sex put the country at risk of the spread of HIV, and young women lacked knowledge about HIV/AIDS. She would be grateful for clarification of the status of the proposed amendments decriminalizing abortion and of the role that the recently initiated dialogue would play in that regard.

26. **Ms. Patten** asked whether the Government was reviewing the practice whereby military forces ran farms and businesses in the north and deployed women to operate them.

27. **Ms. Manalo** said that she would be interested to know how the Government was taking the special skills of female former combatants into account in its efforts to facilitate their re-entry into employment. She asked what measures were being taken to combat the increase in suicide and attempted suicide among women and whether there were suitable health facilities throughout the country for women who had attempted suicide or self-harm.

28. **Ms. Senarathne** (Sri Lanka) said that the military forces had already returned some lands to their owners in the north and east of the country, and were also winding down business activities. The Government had continuously provided microfinance to women in rural areas in order to support self-employment with a view to promoting their economic independence and contributing to poverty alleviation. The Sri Lanka Women's Bureau was a key contributor to microcredit programmes to promote entrepreneurship among women. The Central Bank had provided 15.9 million rupees in microcredit, and every bank had a microcredit scheme for women. In the Northern Province, women's committees operated revolving funds to support the self-employment activities of the poorest women. As the main barrier to women's employment was the need to look after children, the Government had decided to increase the number of day-care facilities, particularly in the hill country for the benefit of women in the plantation sector. There were plans to build 600 day-care centres to enable women to engage in economic activities. The Government was also taking steps to mainstream the gender perspective in the tourism industry.

29. **Ms. Gunasekera** (Sri Lanka) said that replies to some of the questions would be provided in writing. There was no gender wage gap in the State sector, but the Government acknowledged that such a gap might exist in the informal sector, which was unregulated and difficult to address. Despite improvements in recent years, the gap between men's and women's rates of participation in the labour force persisted. The fact that home-based economic activities and self-employment were not counted as employment posed a challenge in terms of data collection on women's work.

30. **Ms. Jinasena** (Sri Lanka) said that, because Sri Lanka was a multi-ethnic and multi-religious country, views differed on the issue of pregnancy termination, and dialogue on the subject with religious leaders was therefore important. Following consultations with medical and other experts, the committee on the decriminalization of abortion had recommended the adoption of a procedure under which, when a woman requested an abortion, there would be a judicial inquiry to determine whether one of the three criteria for medical termination was met. Upon obtaining a judicial certificate to that effect, the woman could have a medical termination at a government hospital providing such services or at a private medical facility. The committee's recommendation would be discussed during the dialogue.

31. The 2005 policy on sexual harassment in the workplace applied to all institutions in the State sector. There had been convictions for sexual harassment; for example, a teacher

had filed a sexual harassment complaint against a fellow teacher and the school principal, and the court had found in her favour in 2016.

32. **Ms. Nwankwo** said that the State party was to be commended on the policy initiatives it had recently put in place to address the pressing needs of war-affected women, such as the national action plan for women heads of household. However, it was not clear whether women whose husbands were in detention or missing, had a disability, or did not make any contribution to the household were considered female heads of household. Was there a clear and inclusive categorization of female heads of household that would be used uniformly in welfare and resettlement policies and programmes? Did the Government maintain a disaggregated database on female heads of household that reflected the heterogeneity within the group? Noting that funding for programmes for female heads of household was reportedly inadequate and their implementation was problematic, particularly because of inadequate communication about the programmes and abuse of power in their administration at the village level, she enquired how the Government was addressing those issues.

33. The Committee was concerned that women were more vulnerable to the impact of owner-driven housing programmes, which had exacerbated the indebtedness of many households, and that they tended to be exploited by private financial companies. She wished to know whether the qualifications for bank loans and other forms of credit from government and private institutions were the same for women and men, and whether women needed the consent of their husband or another man to obtain credit. Was a complaint mechanism available to women who considered that they had been treated unfairly, and was the Government planning to introduce low-interest or interest-free credit schemes for women heads of households and families living in poverty? She asked whether there was a well-coordinated system for reissuing vital documents such as birth certificates and land records to women who had lost them during the war; whether there were plans to amend the Land Development Ordinance, which restricted women's inheritance rights; and whether the Government would consider incorporating economic and social rights into the new Constitution to create a social security system for war-affected women.

34. **Ms. Gabr** said that the State party was to be commended on the progress made in recent years. She wished to know which body would be responsible for implementing, evaluating and monitoring the investment in women's rural economic development approved by the Cabinet in 2016, and what impact that investment was expected to have on the quality of social services for women in rural areas. She asked for clarification of the status of the Land Development Ordinance and how women's inheritance rights would be affected. She wondered whether the State party would consider introducing temporary special measures to enhance women's participation in trade unions and farming and fishing associations, particularly in leadership roles, in line with the Committee's general recommendation No. 5. What was being done to support women working in the fisheries sector, who faced difficult conditions and high levels of drug addiction, and to improve the working conditions of women in the plantations, including addressing the gender pay gap and problems in relation to maternity leave? How was the Convention on the Rights of Persons with Disabilities implemented in relation to women with disabilities, particularly in rural areas? What was being done to address the lack of economic opportunities and political space for women belonging to ethnic minorities?

35. **Ms. Senarathne** (Sri Lanka) said that, in an effort to increase women's participation in the labour force, some 20 million rupees had been allocated for the establishment of day-care centres in workplaces, and approximately 450 caregivers were being trained. Women's unemployment had decreased as more women were recruited in the government sector. More women were also undertaking non-traditional vocational training and entrepreneurial development activities. The Government had initiated a shift towards value-added industries to create more skill-intensive employment opportunities for women. The definition of female heads of household was very broad and included war widows, who accounted for almost half of the total, as well as married, separated, divorced and single women. Two schemes had been introduced to facilitate women's access to loans. The first was a system of group guarantees, whereby five women could act as guarantors for each other; such guarantees were accepted under the housing loan scheme for female-headed

households. The second was the Samurdhi Banks, which allowed poor women to open bank accounts that served as the guarantee for loans.

36. **Ms. Manatunga** (Sri Lanka) said that the report of the Consultation Task Force contained specific recommendations for safeguarding the rights of women, particularly those affected by the conflict. The process of amending the discriminatory provisions of the Land Development Ordinance, as recommended by the Committee in 2011, had been lengthier than initially expected but had finally been completed; the amendments had been sent to the Legal Draftsman's Department for clearance.

37. **Ms. Patten** said that the Committee had received contradictory information in relation to the land occupied by the military. According to alternative sources, some 84 families were protesting against the air force to get their land back, and there were more than 30 camps where internally displaced persons were waiting for their land to be returned. She would therefore like precise information on the progress achieved in stepping up the release of the remaining land, and whether the Government planned to conduct a proper mapping exercise covering all the land currently occupied by military forces. She asked whether the new plan of action for the plantation community was being implemented with sufficient resources and the participation of women. Noting that there were plans to build 50,000 houses in the next five years and issue title deeds for ownership, she wondered whether any special provision would be made for widows and female heads of household.

38. **Ms. Nwankwo** said that she would like to know how the Government was assisting women in the fishing and food production industries, especially with respect to credit.

39. **Ms. Senarathne** (Sri Lanka) said that, in the light of the major issues in the plantation sector, the Government had established the Ministry of Hill Country New Villages, Infrastructure and Community Development. The new Ministry had drawn up a five-year action plan for the plantation sector, which included domestic violence provisions to which the Ministry of Women and Child Affairs had contributed. Women's Development Officers were deployed in plantation areas to help women obtain government services. As many families did not have marriage certificates or birth certificates for their children, an inter-agency mobile service had been set up to travel to the most affected areas and register births and marriages.

40. **Mr. Aryasinha** (Sri Lanka) said that the military forces continued to identify the State and private lands to be released in order to support resettlement in the north and east, and 14 billion rupees had been allocated to develop infrastructure in conflict-affected areas in those regions. The Government provided financial support to civilians who returned to live on their land.

*Articles 15 and 16*

41. **Ms. Halperin-Kaddari** said that the Muslim Personal Law, which exclusively and compulsorily applied to 10 per cent of the population, contained many problematic discriminatory provisions. It provided for different grounds for divorce for men and women, did not set a minimum age for marriage, permitted polygamy for men, and excluded women from Quazi courts. The Committee was encouraged by the news that the committee established in 2009 to consider the matter had finally submitted its report in 2016, but past experience showed that the Government tended to frame the Muslim Marriage and Divorce Act as a cultural issue to be resolved internally by the Muslim community, rather than as a human and women's rights issue for which the State was responsible. Since the delay in the committee's submission of its report had been caused by conservatives wishing to maintain the status quo, she asked what assurances could be given that the impasse would not continue. She wondered why more women had not been included in the process and whether the State party would consider following the example of other countries that had managed to reconcile sharia law with women's rights. She would like to know the timeline for the adoption of the committee's recommendations, including the clear criminalization of marital rape. She also wished to know when the proposed amendments to the Land Development Ordinance would be adopted. She asked whether the Government was considering an amendment to the Marriage Registration Ordinance to ensure that Muslims could opt out of the Muslim Personal Law and be registered under the general law. Even

within the existing plural legal regime, it should be possible to lift the requirement that a woman must obtain her husband's approval before filing proceedings to claim her land rights, and to redefine the area of property rights to ensure that it came under general civil and contract law, rather than religious law.

42. **Ms. Manatunga** (Sri Lanka) said that the Government was mindful of the concerns about discriminatory provisions in all the personal laws. The issue of early marriage was under discussion among all stakeholders, including members of the Muslim community, which comprised 9.3 per cent of the population. Given the diverse ethnic and religious tapestry of Sri Lankan society, it was important that the views of all communities, including women, should be taken into account. The committee established in 2009 to propose reforms to Muslim law had included female members of the Muslim community. The committee had reviewed issues such as the setting of a minimum legal age of marriage, gender mainstreaming in the appointment of judges and adequate compensation following divorce. To support that process, a Cabinet subcommittee had been appointed in October 2016 to review the proposed amendments to the Muslim Marriage and Divorce Act. Meanwhile, the Ministry of Women and Child Affairs was conducting consultations and workshops with the Muslim and other communities and civil society organizations to raise awareness and advocate change. The increase in the age of compulsory education from 14 to 16 was expected to help reduce early marriage by encouraging girls to continue their education. With regard to the Land Development Ordinance, land was within the purview of the Provincial Councils, and the central Government must obtain their concurrence for the proposed amendments.

43. **Ms. Halperin-Kaddari** said that the Committee needed clear assurances and concrete details and timelines; it seemed that the Government was aware of the problematic situation, yet nothing had changed.

44. **Ms. Senarathne** (Sri Lanka) said that answers to the outstanding issues would be provided in writing. She thanked the Committee for the very useful dialogue, which had highlighted the areas in which her country's efforts might be falling short. The Committee members' observations and recommendations would be given careful consideration. Despite the challenges it faced, Sri Lanka was making progress in meeting its obligations under the Convention.

45. **The Chair** said that the Committee was grateful to the delegation for the constructive dialogue. It commended the State party on its efforts and encouraged it to take all necessary measures to implement the Committee's recommendations.

*The meeting rose at 4.55 p.m.*